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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,313	07/03/2001	Robert Czarnek	AMT-111US	4755

24314 7590 04/25/2003

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EXAMINER

NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/25/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/898,313	CZARNEK ET AL.	
	Examiner	Art Unit	
	Phong H Nguyen	3724	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213..

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-36 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-18, 21-26, 28, 30, and 31 is/are rejected.
- 7) ☒ Claim(s) 8, 19, 20, 27 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Upon reconsideration, in view of applicant's traverse, the restriction requirement is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 10, 12-17, 21-23, 25, 26, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambaro et al. (US Pub. 2002/0117030 A1).

Regarding claims 1 and 12, Gambaro et al. teach an apparatus capable of splitting tablets. Although Gambaro et al. teach cutting a substrate log into rolls, it would have been obvious to cut the log in half or in as many parts as desired depending on the size of the end product. Moreover, the log could be any formed of work requiring splitting-such as a tablet. Gambaro et al. teach an apparatus capable of splitting tablets comprising a tablet guide apparatus having a tablet receiving portion and a table guide portion, a tablet alignment apparatus comprising an alignment member and an alignment element 28, and a tablet cutter apparatus 16. See Figs 1, 2, and the hand written notes.

Regarding claim 2, the guide surface 18 of the table guide portion is best seen in Fig. 2.

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Regarding claims 3 and 15, the guide surface has a V-shape cross-section and a plurality of surface portions. See Fig. 2.

Regarding claims 4 and 13, the guide surface is inclined. See Fig. 1.

Regarding claims 5, 6, and 7, the alignment member is best seen in Figs. 1 and 2.

Regarding claims 10 and 21, the rotary cutter 16 of the cutter apparatus is best seen in Figs. 1 and 2.

Regarding claim 14, the guide surface of the tablet guide aligns to primary axis of the tablet 20. See Fig. 1.

Regarding claim 16, the tablet guide end 50 is best seen in Fig. 5.

Regarding claim 17, the alignment member is best seen in Figs. 1 and 2.

Regarding claim 22, the blade 16 is perpendicular to the tablet guide axis. See Fig. 1.

Regarding claim 23, Gambaro et al. teach an ejector apparatus for ejecting cut workpieces 20. See Fig. 7 and the hand written notes.

Regarding claim 25, Gambaro et al. teach a method capable of cutting a tablet into tablet portions having equal volume comprising steps of positioning the tablet along a tablet guide; automatically orienting the tablet in a orientation in which a tablet first primary axis is parallel to a first direction; automatically moving the tablet into an orientation along the tablet guide into alignment for cutting at a cutting position; and cutting the aligned tablet. See Fig. 1.

Regarding claim 26, the automatic orienting step comprises steps of positioning the tablet on a tablet guide surface and contacting the positioned tablet with a tablet contact surface. See Fig. 1.

Regarding claim 28 and 30, the step of holding the aligned tablet for cutting by the alignment member and the step of cutting the tablets are best seen in Fig. 1.

3. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambaro et al. (US Pub. 2002/0117030 A1) in view of Mendenhall (5,010,796). Gambaro et al. teach everything but do not teach a biasing device positioned with respect to the tablet in the tablet guide. Mendenhall teaches a biasing device 63 so that it holds a workpiece firmly for cutting. See Fig. 7 and col. 5, lines 39-62. Therefore, it would have been obvious to incorporate the biasing device as taught by Mendenhall to hold tablets firmly for cutting.
4. Claims 11, 24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambaro et al. (US Pub. 2002/0117030 A1) in view of Shriver (6,289,956 B1).
Regarding claims 11 and 24, Gambaro et al. teach everything but do not teach a vacuum device to remove particulate wasted during cutting. Shriver teaches using a vacuum to collect particulate waste. See Fig. 1 and col. 1, lines 4-20. Therefore, it would have been obvious to further modify the invention of Gambaro et al. by including a vacuum device to collect particulate dust due to splitting tablets.

Regarding claim 31, Gambaro et al. teach steps of cutting tablet into equal volume portion as mentioned in claim 25 but do not teach using a vacuum to remove particulate waste due to cutting tablet. Shriver teaches using a vacuum to collect particulate waste during the cutting process. See Fig. 1 and col. 1, lines 4-20. Therefore, it would have been obvious to include the step of removing particulate waste to keep the interior of the tablet cutting apparatus clean.

Allowable Subject Matter

5. Claims 32-36 are allowed. Regarding claim 32, it is allowable over the prior art because Gambaro et al. do not teach the first and the second movable alignments. While Hartsoe et al. (6,419,218 B1) teach movable alignments 70 and 72, it would be hindsight to combine those alignment elements to the invention of Gambaro et al.
6. Claims 8, 19, 20, 27, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Arthur et al. (6,244,146 B1) teach method and apparatus for cutting tablets of general interest.
 - Frisbie (5,238,121), Lacey (3,796,146), Yuyama et al. (6,050,064), and Buckley et al. (US Pub. 2002/0104741 A1) teach conveyors with groove to align workpiece in certain direction of general interests.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 703-305-4989. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

PN: *pn*

April 7, 2003


Allan N. Shoap
Supervisory Patent Examiner
Group 3700